

REMARKS

Claims 15-28, and 32-34 are pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

The courtesies extended by the Examiner in the telephone message of December 7, 2005 were greatly appreciated. The Examiner clarified the rejection of claims 29-31, which are rejected together with claims 17 and 19-25.

Applicants appreciate the Examiner's indication that claims 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15, 16 and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kozicki (USPN 6,469,364) in view of Rodgers et al. (USPN 6,815,266). The Examiner stated essentially that the combined teachings of Kozicki and Rodgers teach or suggest all the limitations of claims 15, 16 and 18.

Claim 15 claims, *inter alia*, "forming a plurality of re-configurable vias, each re-configurable via extending from the first metal layer through each of the first dummy layer, the actuating element and the second dummy layer and to the second metal layer."

Kozicki teaches a programmable interconnection system for electrical circuits (see Abstract and Figure 1). Kozicki does not teach or suggest "forming a plurality of re-configurable vias, each re-configurable via extending from the first metal layer through each of the first dummy layer, the actuating element and the second dummy layer and to the second metal layer" as claimed in claim 15. The vias of Kozicki extends only between adjacent layers. Kozicki does not teach or suggest an individual via extending through multiple layers, between a first and second metal layer, essentially as claimed in claim 15.

Rodgers teaches a chalcogenide memory device having a sidewall contact (see Abstract and Figure 3G). Rodgers does not teach or suggest “forming a plurality of re-configurable vias, each re-configurable via extending from the first metal layer through each of the first dummy layer, the actuating element and the second dummy layer and to the second metal layer” as claimed in claim 15. Rodgers does not teach a via. Therefore, Rodgers fails to cure the deficiencies of Kozicki.

The combined teachings of Kozicki and Rodgers fail to teach or suggest “forming a plurality of re-configurable vias, each re-configurable via extending from the first metal layer through each of the first dummy layer, the actuating element and the second dummy layer and to the second metal layer” as claimed in claim 15.

Claims 16 and 18 depend from claim 15. The dependent claims are believed to be allowable for at least the reasons given for claim 15. The Examiner’s reconsideration of the rejection is respectfully requested.

Claims 17, 19-25 and 29-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kozicki in view of Rodgers as applied to claims 15, 16 and 18, and further in view of Gibson (US Patent Publication 2003/0081533). The Examiner stated essentially that the combined teachings of Kozicki, Rodgers and Gibson teach or suggest all the limitations of claims 17, 19-25 and 29-31.

Claims 17 and 19-25 depend from claim 15. The dependent claims are believed to be allowable for at least the reasons given for claim 15. Claims 29-31 have been cancelled. The Examiner’s reconsideration of the rejection is respectfully requested.

New claim 32 includes the limitations of claim 15 and allowable claim 26. Therefore, Claim 32 is believed to be in condition for allowance. Claims 33 and 34 depend from claim 32

and are believed to be allowable for at least the reasons given for claim 32.

For the forgoing reasons, the present application, including claims 15-28, and 32-34, is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully urged.

Respectfully submitted,



Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889